



IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Yoshito GOTO et al. : **Mail Stop: PCT**
Serial No. 10/567,605 : Attorney Docket No. 2006_0135A
Filed February 8, 2006 :

MEDICATION MANAGEMENT SYSTEM
[Corresponding to PCT/JP2004/011592
Filed August 12, 2004]

SUBMISSION OF ENGLISH VERSION OF IPER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An English language version of the International Preliminary Examination Report is submitted herewith for the Examiner's consideration.

Respectfully submitted,

Yoshito GOTO et al.

By Michael S. Huppert
Michael S. Huppert
Registration No. 40,268
Attorney for Applicants

MSH/kjf
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
June 1, 2006

**PCT**

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

From the INTERNATIONAL BUREAU

To:

KAWAMIYA, Osamu
AOYAMA & PARTNERS, IMP Building
3-7, Shiromi 1-chome, Chuo-ku
Osaka-shi, Osaka 5400001
JAPON

| | |
|--|---|
| Date of mailing (day/month/year) 11 May 2006 (11.05.2006) | |
| Applicant's or agent's file reference 664272 | IMPORTANT NOTIFICATION |
| International application No. PCT/JP2004/011592 | International filing date (day/month/year) 12 August 2004 (12.08.2004) |
| Applicant YUYAMA MFG. CO., LTD. et al | |

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

EP, KR

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, KE, KG, KP, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

| | |
|---|---|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland | Authorized officer Masashi Honda |
| Facsimile No.+41 22 740 14 35 | Facsimile No.+41 22 338 70 10 |

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

| | | |
|--|---|---|
| Applicant's or agent's file reference 664272 | FOR FURTHER ACTION See Form PCT/IPEA/416 | |
| International application No. PCT/JP2004/011592 | International filing date (day/month/year) 12.08.2004 | Priority date (day/month/year) 13.08.2003 |
| International Patent Classification (IPC) or national classification and IPC G06F17/60, A61J3/00 | | |
| Applicant YUYAMA MFG. CO., LTD. | | |

| | |
|--|--|
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>4</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> | |
| <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input checked="" type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p> | |

| | |
|---|-----------------------------------|
| Date of submission of the demand | Date of completion of this report |
| Name and mailing address of the IPEA/JP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/011592

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1, 3-21 _____ as originally filed/furnished
- pages* 2, 2/1 _____ received by this Authority on 10.03.2005
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 7 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-6 _____ received by this Authority on 10.03.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets fig. 1-46(b) _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/011592

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 2, 3

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claims Nos. 2, 3

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/011592

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|---------------|-----|
| Novelty (N) | Claims | <u>1, 4-7</u> | YES |
| | Claims | <u></u> | NO |
| Inventive step (IS) | Claims | <u></u> | YES |
| | Claims | <u>1, 4-7</u> | NO |
| Industrial applicability (IA) | Claims | <u>1, 4-7</u> | YES |
| | Claims | <u></u> | NO |

2. Citations and explanations (Rule 70.7)

Document 1: JP 2003-70851 A (Seiko Epson Corp.), 11 March 2003

Document 2: JP 2003-99534 A (Takazono Sangyo Kabushiki Kaisha), 4 April 2003

Document 3: JP 2003-108678 A (Toshitada KAMEDA), 11 April 2003

Document 4: JP 6-218011 A (Emu tekku Health Care Systems Inc.), 9 August 1994

Document 5: JP 2003-16185 A (Casio Jouho Kiki Kabushiki Kaisha), 17 January 2003, paragraphs [0127]-[0136], [0145], (Family: none)

The invention set forth in claim 1 does not involve an inventive step in the light of documents 1, 2 and 5 cited in the international search report. Document 1 discloses a system wherein, when it is time for treatment, a warning is given to a portable terminal device, and the data from the patient barcode and medication barcode are matched. Document 2 discloses the feature wherein treatment data can be displayed from a list of patients under supervision. Moreover, the feature wherein, when a predetermined amount of time has lapsed,

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/011592

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

and a predetermined operation, which should have been completed, is judged to have not been completed, a warning is re-issued, is known, as suggested in newly cited document 5. Therefore, it would be easy for a person skilled in the art to apply the feature disclosed in document 2 and known features to the system disclosed in document 1, thereby deriving the invention disclosed in claim 1.

The invention set forth in claims 4-6 does not involve an inventive step in the light of documents 1, 2 and 5 and document 3 cited in the international search report. Document 3 discloses a feature wherein a treatment plan can be corrected from a nurse's portable data terminal. Since the correction of a treatment would include cancelling the administration of medication or setting a period of cancellation, it would be easy for a person skilled in the art to apply the features disclosed in documents 2, 3 and 5 to the system disclosed in document 1, thereby deriving the invention set forth in claims 4-6.

The invention set forth in claim 7 does not involve an inventive step in the light of documents 1, 2 and 5. The matter of the form in which accumulated data is disclosed is one that a person skilled in the art can determine as necessary.